

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ORN RAT KEAWSRI, et al.,

Plaintiffs,

-v-

RAMEN-YA INC., et al.,

Defendants.  
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17-cv-2406 (LJL)

MEMORANDUM  
AND ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiffs move for an order, pursuant to Federal Rule of Civil Procedure 45(c)(1) and (2), directing Kil S. Jung to appear and testify at the trial of this matter scheduled to commence on July 5, 2022 and to produce the documents specified in his trial subpoena,<sup>1</sup> and ordering defendants Ramen-Ya Inc. (“RYI”), Y&S International Corp. (“Y&S”), Yasuko Negita, and Miho Maki to obtain from Jung and produce to Plaintiffs the documents requested in the subpoena and to inform Jung that he must comply with the production and appearance commands of the subpoena. Dkt. No. 465. In light of the July 5 date for trial of this matter, the Court ordered the defendants to respond to the motion by June 24, 2022 and Jung to respond by June 27, 2022. The RYI Defendants have responded to the motion and oppose the relief requested against them. Dkt. No. 472. They do not oppose the request for an order compelling

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<sup>1</sup> Those documents include “(1) 2014 through 2018 Federal and State fiscal year Income tax returns and quarterly employment tax returns for Ramen-Ya Inc. (“RYI”) and Y&S International Corp. (Y&S) and (2) documents reflecting RYI’s and Y&S International’s acknowledgement of the accuracy of the information in the returns, approval to file each of the returns for the years 2014-2018, and the name, title/position, and basis for the authority of the person providing the acknowledgement and approval.” Dkt. No. 465.

Jung to appear and to produce documents—including documents belonging to Defendants—to the extent that the documents are in Jung's possession, custody and control.

The motion to compel Jung's appearance is granted. Jung, who is employed in New York, New York, was served at his place of business with a subpoena directing his appearance at trial on July 5, 2022, in Courtroom 15C of the United States Courthouse, 500 Pearl Street, New York, New York. Dkt. No. 466-15; Dkt. No. 469. Jung was also served a copy of the motion to compel and of the Court's June 22, 2022 Order setting the deadline for his response to the motion to compel. Dkt. No. 469. He has not responded or identified good cause for failure to appear or to produce the documents requested in the subpoena. Jung is ordered to appear in Courtroom 15C at 500 Pearl Street at 9:30 a.m., with the documents requested in the subpoena to the extent that they are in his possession, custody or control, on pain of contempt if he fails to appear.


The motion directed to defendants is denied. To the extent that Plaintiffs seek to have Defendants themselves produce the documents referenced in the Jung subpoena from their own files, the request is made long after the period for discovery and thus is untimely. Plaintiffs also offer no authority for the proposition that Defendants must inform Jung of his obligations under the subpoena. It is sufficient that the Court inform Jung of those obligations and that Defendants be aware that they face potential consequences under the law if they interfere with Plaintiffs' right to compel Jung's appearance at trial.

Plaintiffs shall serve this Order on Jung and file proof of service on the docket.

The Clerk of Court is respectfully directed to close Dkt. No. 465.

SO ORDERED.

Dated: June 28, 2022  
New York, New York



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LEWIS J. LIMAN  
United States District Judge